

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REX CHAPPELL,

Plaintiff,

No. 2:01-cv-01979 KJN P

vs.

SAM BESS, et al.,

Defendants.

ORDER

Currently scheduled for hearing on April 28, 2011, are the following: (1) a motion to withdraw filed by plaintiff's appointed pro bono co-counsel, including requests to shorten time and to appear telephonically, and (2) a motion for summary judgment filed by one of the three defendants (defendant Quist), and a related request for monetary sanctions filed by plaintiff's co-counsel. The court ordered additional briefing, but did not direct the Clerk of Court to serve plaintiff by mail with copies of the pertinent briefs. The court now directs such service on plaintiff, and reschedules the hearing on the pending matters to May 19, 2011.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of Court is directed to serve by mail the following documents on plaintiff Rex Chappell, CDCR # B42679, at the California Correctional Institution, P. O. Box 1031, Tehachapi, CA 93581: (1) Motion of Plaintiff's Co-Counsel to Withdraw (Dkt. No. 166);

(2) Declaration of Joel K. Liberson (Dkt. No. 167); (3) Declaration of Philip G. Allingham (Dkt. No. 168); (4) Court's Order (Dkt. No. 175); (5) Court's Order (Dkt. No. 176); (6) Quist's Brief re. Urgency of Motion for Summary Judgment (Dkt. No. 177 (*first five pages only*)); (7) Quist's Opposition to Motion to Withdraw (Dkt. No. 178); (8) Declaration of Kevin J. Dehoff (Dkt. No. 179); (9) Motion of Plaintiff's Co-Counsel in Opposition to Defendant's Brief re Urgency of Summary Judgment Motion (Dkt. No. 180); Affidavit of Philip Allingham (Dkt. No. 181); and Affidavit of Joel Liberson (Dkt. No. 182).

2. Plaintiff shall, within ten days after actual receipt of these documents, file a responsive declaration to the motion of his co-counsel to withdraw, addressing whether plaintiff consents to the proposed withdrawal, and whether plaintiff requests appointment of alternate counsel should current counsels' motion be granted. (See Order, Dkt. No. 175.)

3. The hearing on the motion to withdraw (Dkt. No. 166) filed by plaintiff's co-counsel is rescheduled to May 19, 2011, at 10:00 a.m., in Courtroom No. 25; the request of co-counsel to shorten time (Dkt. No. 170) is denied; the request of co-counsel to appear telephonically (Dkt. No. 171) is granted.

4. The motion for summary judgment (Dkt. No. 173) is rescheduled to May 19, 2011, at 10:00 a.m., in Courtroom No. 25; however, plaintiff is not required to file an opposition or statement of non-opposition to the motion until further order of this court. The related request for monetary sanctions filed by plaintiff's counsel (Dkt. No. 180) is also rescheduled for May 19, 2011.

SO ORDERED.

DATED: April 21, 2011


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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